

Message Text

LIMITED OFFICIAL USE

PAGE 01 CALCUT 00151 201108Z

17

ACTION SCS-03

INFO OCT-01 NEA-09 ISO-00 PPT-01 SCA-01 L-02 FBIE-00 SY-04

EUR-12 JUSE-00 SSO-00 INRE-00 /033 W

----- 093071

O 200830Z JAN 75

FM AMCONSUL CALCUTTA

TO AMEMBASSY NEW DELHI IMMEDIATE

INFO SECSTATE WASHDC IMMEDIATE 4409

LIMITED OFFICIAL USE CALCUTTA 0151

C O R R E C T E D C O P Y (TWO PARA ADDED AT END OF MSG)

E.O. 11652: N/A

TAGS: CASC, PFOR, IN

SUBJ: HARCOS/FLETCHER

1. THE FOLLOWING SUMMONS WAS SERVED ON ADVOCATE BEJOY BHOSE
WHO REPRESENTS ANTHONY FLETCHER FOR VIOLATIONS OF THE OFFICIAL
SECRETS ACT:

"REF:-SESSIONS CASE NO. 67 OF 1974

STATE VS. RICHARD WINN HARCOS AND OTHERS.

TO SHRI BEJOY KUMAR BHOSE

ADVOCATE 8-C, ROYD STREET, CALCUTTA.

"TAKE NOTICE THAT THE STATE HAS FILED AN APPLICATION BEFORE THIS
COURT ON 13.12.74 ALLEGING THAT ON 20.10.74 YOU HAVE VIOLATED
THE ORDER PASSED BY THIS COURT U/S 14 OF THE OFFICIAL SECRETS
ACT BY COLLECTING AND POSSESSING THE DOCUMENTS CONTAINING THE
OFFICIAL SECRETS, FROM THE COURT AND OTHER DOCUMENTS FROM
DIFFERENT ACCUSED PERSONS AND PROCEEDED FROM YOUR HOUSE TO
THE DUM DUM AIRPORT FOR PURPOSES PREJUDICIAL TO THE SAFETY
AND INTERESTS OF THE STATE AS PER STATEMENTS MADE IN THE
APPLICATION OF WHICH COPY IS FILED HERewith.

"YOU ARE, THEREFORE, DIRECTED TO SHOW CAUSE BY 3.2.75

LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

PAGE 02 CALCUT 00151 201108Z

(A) WHY YOU SHOULD NOT BE DEALT WITH UNDER CONTEMPT OF COURT ACT

(B) WHY YOUR CONDUCT SHOULD NOT BE REFERRED TO THE SECRETARY
BAR COUNCIL, WEST BENGAL FOR NECESSARY ACTION
(C) WHY YOU SHOULD NOT BE DEBARRED FROM APPEARING IN THIS CASE
AS AN ADVOCATE FOR THE DEFENCE OF YOUR CLIENT.
SESSIONS JUDGE.

"IN THE COURT OF THE SESSIONS JUDGE, CITY SESSIONS COURT,
CALCUTTA (4TH BRANCH)

SESSIONS C. NO. 67 OF 1974

STATE VS RICHARD W. HARCOS & OTHERS U/S 3, 6, & 9 OFFICIAL
SECRETS ACT READ WITH SECTION 120B I.P.C. ETC.
PETITION OF THE STATE AGAINST SRI BEJOY BHOSE UNDER SECTION
35 OF THE ADVOCATE'S ACT, 1961 & CONTEMPT OF COURT ACT

"THE HUMBLE PETITION FOR THE STATE RESPECTFULLY SHEWETH:-

"1. THAT ON 20.10.74 AT 9 A.M. WHILE SRI BHOSE AND A WOMAN
SAID TO BE HIS WIFE WERE ABOUT TO BOARD A PLANE FOR U.K./USA
WITH LUGGAGES, THE POLICE WHO WERE KEEPING WATCH, INTERCEPTED
THEM, SEARCHED - THEIR LUGGAGES, FOUND ON SEARCH LARGE NUMBER
OF DOCUMENTS SECRETED IN A SUIT CASE (COPIES) CONSISTING OF
JUDGMENTS, APPLICATIONS FILED BY THE PROSECUTION, NOTES OF
INSPECTION, LETTERS OF BEJOY BHOSE, ACCUSED NOS - 1,2, & 4
(SIC) (U.S. NATIONALS) ADDRESSED TO LEONARD BOUDIN, MISS DONOVAN
AND MRS. RUTH FLETCHER - MOTHER OF ACCUSED NO. 2 AT U.S.A.
DISCLOSING SECRET INFORMATIONS AND PROCEEDINGS OF THE
CAMERA TRIAL OF THE SESSIONS CASE NO. 67 OF 1974 IN VIOLATION OF
YOUR HONOUR'S ORDER U/S 1&/OF THE O.S.

"2. IT WAS ALSO FOUND THAT BEJOY BHOSE AND HIS COMPANION,
WERE PROCEEDING TO U.K./USA IN RESPONSE TO TELEGRAMS SENT TO
BEJOY BHOSE BY LEONARD BOUDIN ASKING BEJOY BHOSE TO BRING THE
COURT FILE OF THE SESSIONS CASE NO. 67 OF 1974 PENDING BEFORE
YOUR HONOUR (SIC) WHERE SHRI BEJOY BHOSE WAS DEFENDING ACCUSED
NO. 2 ANTHONY ALLEN FLETCHER.

"3. THAT THE ENTIRE ZBCH OF DOCUMENTS NOT ONLY COLLECTED BY
BEJOY BHOSE FROM HIS OWN FILE, BUT CONSISTED OF LETTERS FROM
THE ACCUSED NOS. 1, 2 AND 4, TELEGRAMS, THE LETTERS THAT
PASSED REGULARLY BETWEEN - BEJOY BHOSE AND THE U.S. A. NATIONALS
LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

PAGE 03 CALCUT 00151 201108Z

LEONARD BOUDIN, MISS DONOVAN AND MRS. RUTH FLETCHER OVER
THE PROCEEDINGS OF THE CAMERA TRIAL OF THE SAID SESSIONS CASE
GAVE SUFFICIENT CONDUCT AND CIRCUMSTANCES LEADING TO PRESUMP-
TION THAT ALL THE PERSONS CONCERNED CONSPIRED TOGETHER TO
COLLECT THE SAID DOCUMENTS TO CONVEY SECRET INFORMATIONS TO
A FOREIGN AGENT WHICH ARE CALCULATED OR INTENDED TO BE
USEFUL TO AN ENEMY OR DISCLOSURES OF WHICH ARE LIKELY TO
AFFECT THE SOVEREIGNTY AND INTEGRITY OF INDIA ETC. - WITHIN THE

MEANING OF SECTION 3 OF THE OFFICIAL SECRETS ACT, 1923.

"4. THAT THE POLICE SEIZED THOSE DOCUMENTS, PRODUCED BEFORE
E
MAGISTRATE AS BARRACKPUR, 24 - PARGANAS AND AS THE SAID
COMMUNICATIONS TO THE FOREIGN AGENT ARE THE EVIDENCE OF THE
PROOF THAT THEY COLLECTED THE DOCUMENTS FOR SAID INFORMATION
FOR A PURPOSE PREJUDICIAL TO THE SAFETY OR INTEREST OF THE STATE.

"5. THAT THE POLICE ARE ENQUIRING INTO THE CASE.

"6. THAT SHRI BHOSE HAS THEREFORE COMMITTED GRAVE OFFENCES
UNDER THE OFFICIAL SECRETS ACT, 1923 AND IS ALSO LIABLE TO BE
DISQUALIFIED UNDER THE ADVOCATES ACT FOR GROSS MISCONDUCT U/S
35 OF THE ADVOCATES ACT, 1961 WHICH WILL CONSTITUTE A BAR TO
CONTINUE AS DEFENCE ADVOCATE OF THE ACCUSED NO. 2 IN THE SESS-
IONS CASE NO. 67 OF 1974.

"7. THAT SHRI BHOSE WILFULLY COMMITTED THE OFFENCE OF THE
CONTEMPT OF COURT DISREGARDING THE COURT'S ORDER PASSED U/A
14 OF THE OFFICIAL SECRETS ACT, 1923.

"UNDER THE CIRCUMSTANCES PETITIONER/STATE-PRAYS-

"1. THAT SRI BHOSE MAY BE KINDLY DIRECTED NOT TO CONTINUE
APPEARANCE IN THE C. NO. 67/74.

"2. THAT REPORT MAY BE MADE TO SECRETARY, BAR COUNCIL, W.
BENGAL, CITY CIVIL & SESSIONS COURT BUILDINGS FOR ACTION U/S
35 OF THE ADVOCATES ACT OR OTHERWISE.

"3. THAT THE MATTER MAY BE REFERRED TO THE HON'BLE HIGH COURT
FOR ACTION FOR CONOCMPT OF YOUR HONOUR'S ORDER UNDER THE
CONTEMPT OF COURT ACT OR SUCH OTHER ACTIONS AS THE HON'BLE
HIGH COURT MAY DEEM FIT AND PROPER.

LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

PAGE 04 CALCUT 00151 201108Z

CALCUTTA."

2. COMMENT: WHEN I SPOKE WITH BHOSE ON SATURDAY HE EXPRESSED
NO APPREHENSION REGARDING THE SUMMONS. BHOSE SAID THAT HE
HAD DISCUSSED THE SUMMONS WITH SHANKAR DAS BANERJEE WHO WILL
AFVISE HIM AS TO HOW TO HANDLT IT. BHOSE INTENDS TO CONTINUE
TO APPEAR IN BEHALF OF HARCOS AND FLETCHER.
PICKERING

LIMITED OFFICIAL USE

NNN

Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: TRIALS, COURT PROCEEDINGS
Control Number: n/a
Copy: SINGLE
Draft Date: 20 JAN 1975
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: johnsorg
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1975CALCUT00151
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Film Number: D750020-1070
From: CALCUTTA
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1975/newtext/t19750138/aaaabhic.tel
Line Count: 162
Locator: TEXT ON-LINE, ON MICROFILM
Office: ACTION SCS
Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 3
Previous Channel Indicators: n/a
Previous Classification: LIMITED OFFICIAL USE
Previous Handling Restrictions: n/a
Reference: n/a
Review Action: RELEASED, APPROVED
Review Authority: johnsorg
Review Comment: n/a
Review Content Flags:
Review Date: 04 AUG 2003
Review Event:
Review Exemptions: n/a
Review History: RELEASED <04 AUG 2003 by ShawDG>; APPROVED <25 NOV 2003 by johnsorg>
Review Markings:

Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
05 JUL 2006

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: HARCOS/FLETCHER
TAGS: CASC, PFOR, IN, (HARCOS), (FLETCHER)
To: NEW DELHI
Type: TE
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 05 JUL 2006